

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL NO. 1592

Judge Mark L. Wolf

**STIPULATION REGARDING FILING UNDER SEAL
AND FOR CONFIDENTIALITY**

The undersigned, counsel for all parties, hereby stipulate to the following:

1. Any plaintiff, in connection with its opposition to Columbia University's "Emergency Motion to Dismiss for Lack of Subject Matter Jurisdiction," may file with the Court, under seal, evidence regarding its confidential research activities.
2. Each plaintiff waives any right it may have to be served with a copy of any other plaintiff's confidential evidence so submitted for filing under seal.
3. Any such evidence shall be marked "Confidential -- Subject to Protective Order." Columbia University agrees that such evidence shall not be disclosed to anyone other than the lawyers at Irell & Manella, Gibson, Dunn & Crutcher, and Greisinger, Tighe & Maffei who are actively involved in this litigation; Elizabeth Keefer and Augustine Cheng of Columbia University's Office of the General Counsel; and their paralegal, secretarial, and support staff. Counsel receiving such evidence shall take reasonable steps to prevent any dissemination of such evidence, and shall not use such evidence for any purpose other than this action. Notwithstanding the foregoing, Columbia may reference in its public filings the general proposition that plaintiffs may have work in progress that

might not be publicly available but that may be being made even if not sold -- but only at this or a comparable level of generality and without reference to any particular process.

Dated: September 22, 2004

Respectfully submitted,

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**[PROPOSED] ORDER ENTERING STIPULATION REGARDING
FILING UNDER SEAL AND FOR CONFIDENTIALITY**

For the reasons described in the Joint Motion of All Parties for Leave to File Impounded Documents Regarding Motion to Dismiss, it is hereby ORDERED that the Joint Motion is ALLOWED. The Stipulation Regarding Filing under Seal and for Confidentiality is hereby ENTERED.

UNITED STATES DISTRICT JUDGE